

REMARKS

The finality of the restriction requirement has been noted.

Claims 1-3, 5, 6, 8 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mallik in view of Heise et al. (Heise).

Reconsideration is requested.

The claims have been amended to recite that the label is a polyethylene or polypropylene polymeric label. This amendment avoids the Mallik reference which only discloses the use of polymers other than polyethylene and polypropylene where such other polymers have a MTVR of more than 100gm/m²/24h/mil. Attached hereto is a copy of a plastics comparison chart published by the Alpha Packaging Company which shows that the polylactide used by Mallik has an MVTR of 18-22 g-mil/100in²/24h and polyethylene and polypropylene have an MVTR of 0.5 g-mil/100in²/24h which is approximately equivalent to 7.8 100gm/m²/24h/mil. The use of these polymers is not made obvious by the Mallik patent which requires a minimum MVTR of 100g/m²/24h.

Mallik is further distinguished by the fact that it is only concerned with a wet applied adhesive system as illustrated at paragraph [0022] where wet cold glue is applied to a glass surface and then a polymer film is applied to the wet cold glue on the surface of the glass. Amended claim 1 provides for applying the animal glue to a polymer film label stock and then drying the glue. Claim 1 also specifies that when the label is to be applied to a surface, the dried animal hide glue on the polymer label surface is contacted with water containing a cross-linker and optionally a second adhesive. The water based cross-linker is applied to the dried animal hide glue surface and then the wet label is applied to a surface. The concept of applying the cross-linker to the dried animal hide glue is not disclosed by Mallik.

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Heise is concerned with a animal glue that contains both an alkaline salt and glyoxal that is used on paper and not on a polymer. Thus reference does not mention polyethylene or polypropylene or any other polymer and therefore there is no reason to combine this reference with Mallik. For these reasons, it is requested that this ground of rejection be withdrawn.

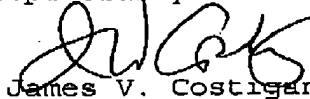
The rejection of claims 10, 11 and 13 over Mallik, Heise and Dronzek or Mallik in view of Leiner has been overcome by the present amendment which recites the use of a polymeric material not contemplated by the cited references.

Claims 11 and 13 were rejected for obviousness double patenting over the claims of U.S. 6,517,664 in view of Leiner. This rejection is in error as there is nothing in Leiner that relates to the use of an animal glue on a polymeric label that would lead a skilled artisan to use animal glue in the claims of the Dronzek patent.

Claims 1-3, 5, 6 and 8-10 were rejected for double patenting over the claims of U.S. 7,090,740 in view of Heise. This rejection is in error as there is nothing in Leiner that relates to the use of an animal glue on a polymeric label that would lead a skilled artisan to use animal glue in the claims of the Dronzek patent. For these reasons, it is requested that the rejections for double patenting be withdrawn.

An early and favorable action is earnestly solicited.

Respectfully submitted,

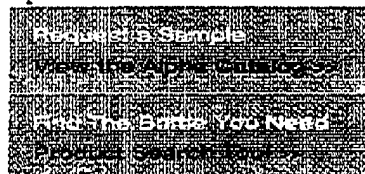


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Glossary**Anatomy of a Bottle****Neck Know How****Plastics Comparison Chart****Plastics Comparison Chart**

Print Version

The following chart compares characteristics for the most common types of resins used for plastic packaging. However, most data refers to tests done on sheets of resin (film) rather than rigid plastic bottles. For best results, Alpha Packaging recommends that our customers always test their product in actual bottles to ensure compatibility.

Material	Clarity	MVTR*	O ₂ **	CO ₂ **	Impact Strength	Recycle Code
PET (Oriented or Stretch Blown Polyethylene Terephthalate)	Excellent	2.0	75	540	Good	1
HDPE (High Density Polyethylene)	Poor	0.5	4,000	18,000	Good	2
PVC (Polyvinyl Chloride)	Good	3.0	150	380	Fair	3
PP (Polypropylene)	Poor	0.5	3,500	7,000	Fair	5
PS (Polystyrene)	Excellent	10.0	6,000	18,700	Poor	6
PLA (Polylactide - Oriented/Stretch Blown bottles)	Very Good	18-22	38-42	201	Good	7

***MVTR** stands for Moisture Vapor Transmission Rate in g-mil/100in. 2/24hr. MVTR is a measure of the passage of gaseous H₂O through a barrier. The lower the rate, the longer the package protects its contents from moisture and ensures the moisture content of the product remains the same.

****O₂** and **CO₂** stand for Oxygen Transmission Rate (OTR) and Carbon Dioxide Transmission Rate (COTR) in cm³-mil/m²/24hr. OTR and COTR are measures of the amount of gas that passes through a substance over a given period. The lower the readings, the more resistant the plastic is to letting gasses through.

Plastic Material Definitions**Polyethylene Terephthalate (PET)**

Polyethylene Terephthalate is a strong, lightweight plastic resin and form of polyester that closely resembles glass in clarity and takes colorants well. PET is commonly used in food packaging due to its strong barrier properties against water vapor, dilute acids, gases, oils and alcohols. PET is also shatter-resistant, slightly flexible and easy to recycle.

High Density Polyethylene (HDPE)

High Density Polyethylene is a rigid, tough and strong resin of natural milky color. HDPE has very good stress crack resistance as well as high Impact and melt strength. HDPE is appropriate for personal care, beverages, food and chemicals. It lends itself particularly well to blow molding.